REMARKS

Claims 1-33 are pending in the application.

Claims 1-33 have been rejected.

Claim 1 has been amended. No new matter has been added. Support for the amendments can be found, at least, within paragraphs [0011], [0012], and [0038].

Rejection of Claims under 35 U.S.C. §102(e)

Claims 1-33 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0153614, by Bitner et al. ("Bitner"). Applicant respectfully traverses this rejection.

Independent claim 1, as amended, recites the following features:

a computer readable storage medium comprising program instructions executable to implement a virtual device interface, wherein said virtual device interface is configured to allow a primary storage device to be accessed using at least one command that is substantially the same as that used to control a secondary storage device, wherein the primary storage device is accessed using said at least one command in response to a call received from a utility by said virtual device interface, wherein said call specifies said at least one command,

said virtual device interface is coupled to control said primary storage device and said secondary storage device,

said primary storage device comprises non-removable storage media and is configured to provide access to data stored on the non-removable storage media, and

said secondary storage device comprises removable storage media and is configured to permit access to data stored on the removable storage media.

(Emphasis added). Independent claims 10, 16, 22, and 28 recite similar features. Applicant submits that the cited passages of Bitner fail to teach or suggest a virtual device interface that receives a call that specifies a command that can be used to access a primary storage device and that is substantially the same as that used to control a secondary storage device.

The Office Action states that Bitner's backup application and virtual tape library (VTL) can be combined to teach the claimed virtual device interface. *See* Office Action, p.3. Previously, Applicant submitted that if Bitner's backup application and virtual tape library (VTL) were combined into one device, the combined device could not receive a call from a utility. The Office Action responds that it is possible for the backup application/VTL combination to receive a call because when a user types in backup instructions at a keyboard, a backup event will be created. The Office Action states that the user generated backup event is then forwarded to the combined backup application/VTL. *See* Office Action, pp.13-14. No portions of Bitner are cited in support of this statement.

Applicants respectfully submit that the combined backup application/VTL in Bitner does not receive a call specifying a command that is substantially the same as that used to control a secondary storage device. In the cited passages of Bitner, the VTL receives tape commands from the backup application and emulates the requested tape operation with one or more disk devices. *See* Bitner, paragraphs [0042] and [0056] and figures 7 and 8. In other words, the VTL receives the tape commands from the backup application. If the backup application is combined with the VTL, the combined device includes both the sender (the backup application) and the receiver (the VTL) of the tape commands. Accordingly, since the tape commands are generated internally to the combined device, the combined device clearly does not receive such tape commands (or any other input that teaches or suggests the call of claim 1) from a utility.

Furthermore, the only input alleged to be received by the combined device is the so-called "backup event" described on pages 13-14 of the Office Action. Applicant notes that this backup event does not appear to be disclosed in or suggested by the sections of Bitner cited elsewhere in the Office Action. Furthermore, even if Bitner did disclose such a backup event, such an event does not appear to in any way teach or suggest the call of claim 1, which specifies a command that can be used to access a primary storage device and is substantially the same as that used to control a secondary storage device.

For at least these reasons, Applicant submits that Bitner does not provide disclosure of all the elements of independent claims 1, 10, 16, 22, and 28, and dependent claims 2-9, 11-15, 17-21, 23-27, and 29-33, and that these claims are in condition for

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allowance. Applicant therefore respectfully requests the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the remarks set forth herein, the Application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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